

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ARNOLD AGUIRRE,  
Plaintiff,

No. C 09-763 MHP (pr)

**ORDER**

v.

DR. J. ADAMO; et al.,  
Defendants.

Plaintiff's request for leave to serve additional interrogatories on defendants Adamo and Munk is DENIED. (Docket # 46.) Plaintiff did not provide a particularized showing of the additional interrogatories he sought to propound or why he needed to propound them. See Fed. R. Civ. P. 26, 33; N.D. Cal. Local Rule 33-3 (motion for leave to propound additional interrogatories "must be accompanied by a memorandum which sets forth each proposed additional interrogatory and explains in detail why it is necessary to propound the additional questions.")

The deadlines for defendants' summary judgment motion remain in place. By the time the deadline arrives, plaintiff will have had more than three months to prepare his opposition. He should be preparing his opposition regardless of whether he is able to obtain further discovery responses. Indeed, because defendants' motion for summary judgment raises a qualified immunity defense, it is quite possible that defendants will request a stay of

1 discovery. Typically defendants are entitled to a stay of discovery upon request when they  
2 have raised a qualified immunity defense. See Crawford-El v. Britton, 523 U.S. 574, 598  
3 (1998).

4 IT IS SO ORDERED.

5 Dated: December 2, 2010

  
Marilyn Hall Patel  
United States District Judge